BUNNY'S SUPERETTE, INC.

BY-LAWS

Article 1.

Name and Seal.

This corporation shall be known as Bunny's Superette,
Inc. and shall have a corporate seal bearing the name of
the corporation and the year of its incorporation, which
seal may be altered or changed at the pleasure of the Board
of Directors. Pending the procurement of the permanent
seal, the Directors may authorize the use of a wafer seal.

Article 2.

Officers.

The officers of the corporation shall be a President, a Vice President, a Treasurer, an Assistant Treasurer, a Clerk, and a Board of not less than three nor more than five Directors, who shall hold office for one year and/or until others are chosen and qualified in their stead, and such other officers and agents as the Board of Directors may from time to time in its discretion appoint. The Directors and the above named officers shall be chosen by ballot at the annual meeting of the stockholders or at an adjournment thereof, provided that any Director or any of the above named officers may be removed by the stockholders and a successor chosen at any special meeting

of the stockholders called for such purpose. The Directors and other officers may be but need not be stockholders of the corporation. The officers elected at the organization meeting, or by the Board of Directors as hereinafter provided to succeed the officers so elected shall hold office until the annual meeting in 1972 and/or until other are chosen and qualified in their stead. The same person may hold more than one office. The number of Directors for each corporate year shall be fixed by vote at the meeting at which they are elected. In the event of the death, resignation or permanent incapacity of a Director, the vacancy in the Board and the vacancy in any other office held by such member shall be filled by vote of a special meeting of the stockholders. In the event of the death, resignation or permanent incapacity of any officer of the corporation not elected by the stockholders, the vacancy shall be filled by the Directors.

Article 3.



The Directors shall have in the management of the affairs of the corporation all of the powers which the corporation itself possesses not incompatible with the provisions of these by-laws and the laws of the state. They may appoint and remove at pleasure any of the officers of the corporation not elected by the stockholders. They shall have access to the books, vouchers and funds of the Treasurer and to the records of

the Clerk; shall fix all salaries, including their own, or may authorize some other officer to fix the same; they may declare lawful dividends whenever they deem it expedient. They may cause to be called special meetings of the stockholders as provided in these by-laws; may borrow money and incur such indeptedness as they may deem necessary; may authorize the making, drawing or acceptance of contracts, bonds, bills of exchange and promissory notes on behalf of and for the purpose of the corporation and the . execution of such pledge or mortgages of the property of the corporation as may appear to them to be reasonably necessary. They may purchase and acquire by deed, lease or otherwise for the corporation any property, real or personal, which in their opinion may be deemed expedient and may dispose of the same at pleasure, and may make for their own management such rules and regulations not inconsistent with these by-laws as they may think fit. They may employ and discharge such managers for the conduct of the ordinary business of the corporation as they may decide and may employ and discharge such other servants, agents and employees as the business of the corporation may require.

Article 4.

Meetings of the Board of Directors

A majority of the Directors shall constitute a quorum for the transaction of any business. Any business may be transacted at any meeting of the Board of Directors, although the character of such business is not specified

in the call for the meeting.

Each Director shall have the right to demand in writing that the Clerk shall call a meeting of the Board of Directors within seven (7) days of the date of receipt by the Clerk of such demand. Upon receiving such demand, the Clerk shall call such meeting by written notices signed by him and mailed to each Director at his last known place of business or residence at least seventy-two (72) hours prior to the time of said meeting. In the event that the Clerk shall neglect or refuse so to do, the President or any member of the Board may call a meeting of the Board by giving a written notice thereof, signed by him and mailed to each Director at his last known place of residence or business at least seventy-two (72) hours previous to the time of such meeting.

Any meeting of the Directors at which all of the Directors are present or concerning which the absent Directors shall waive notice shall be a legal meeting as though called as herein provided, provided that no notice shall be required for a meeting of the Directors. when held following the adjournment of the annual or adjourned annual meeting of the stockholders.

Meetings of the Board of Directors may be held within or without the State of New Hampshire.

Article 5.

President.

The President shall, when present, preside at all meetings of the stockholders and of the Board of Directors;

he shall sign all certificates of stock, shall exercise a general supervision over the business and affairs of the corporation, and shall perform such other duties as the Board of Directors may from time to time direct.

Article 6.

Vice President.

The Vice President shall discharge the duties of the President in the event of the absence or disability for any cause of the latter.

Article 7.

Treasurer.

The Treasurer shall have the custody of the corporation seal; of all money, books of account, stock books, securities, deeds, contracts and other business papers of the corporation, except the records of the Clerk. He shall keep an accurate account of all moneys, credits and property of the corporation received and disbursed. He shall sign all certificates of stock and shall affix the corporation seal to each. furnish the Clerk with a complete list of stockholders whenever requested. Under the direction of the Board of Directors, he shall sign, seal and deliver in the name of the corporation, all deeds of real estate or other instruments conveying property or other agreements or obligations of the corporation. Pursuant and subject to such votes as may be passed from time to time by the Directors, he may borrow money for the legitimate purposes of the corporation and sign the note of the corporation therefor. At every annual

meeting of the stockholders or adjournment thereof, he shall present a report of the financial condition of the corporation. He shall give bond for the faithful performance of his duties in such sum, if any, as may be required by the Board of Directors. He shall, unless otherwise directed by resolution of the Board of Directors, be authorized to vote on behalf of the corporation, all shares of stock or interest in shares of stock owned by the corporation other than its own shares.

Article 8.

Assistant Treasurer.

In the absence of the Treasurer, the Assistant Treasurer may perform the duties of the Treasurer.

Article 9.

Clerk.

The Clerk shall be a resident of New Hampshire. He shall be swern and shall act as Clerk of both the Board of Directors and of the corporation, shall attend all their meetings and keep accurate records thereof, and shall perform other duties incident to his office. He shall have the custody of his own records and of all original papers showing the formal organization of the corporation.

He shall prepare and send to each Director, written notices of Directors' meetings whenever requested so to do by the President or by any Director, and shall likewise prepare and send to each stockholder of record, written notices for the annual meeting of the stockholders as required herein

or for a special meeting of the stockholders when he is requested so to do in writing by the President or by a majority of the Board of Directors or by stockholders owning not less than ten per cent (10%) of the outstanding voting common stock. In the absence of the Clerk at any meeting, a Clerk for the time being shall be chosen who shall be sworn.

Article 10.

Fiscal Year.

The fiscal year of the corporation shall be July 1 to June 30 of each year.

Article 11.

Stockholders' Meetings.

Annual or special meetings of the corporation shall be held in New Hampshire. The annual meeting shall be held on the third Monday in August in each year, and special meetings shall be held whenever the President or a majority of the Board of Directors, or stockholders owning at least ten per cent (10%) of the voting capital stock issued shall make written application therefor to the Clerk of the corporation stating the time, place and object of said meeting.

At least seventy-two (72) hours before every stockholders' meeting, the Clerk shall send by mail a written notice signed by him to each stockholder of the corporation as his address appears on the books of the corporation, which notice shall state the time and place of meeting and the business to be transacted.

In the event that the Clerk shall neglect or refuse to call a meeting of the stockholders after application to him so to do, the President or any member of the Board or any stockholder owning at least ten per cent (10%) of the voting capital stock issued may call a meeting of the stockholders by giving written notice thereof signed by him and mailed to each stockholder of the corporation as his address appears on the books of the corporation at least seventy-two (72) hours prior to the time of said meeting, which notice shall state the time and place of meeting and the business to be transacted.

In the event that the Clerk shall neglect or refuse to call a meeting of the stockholders after application to him so to do, the President or any member of the Board or any stockholder owning at least ten per cent (10%) of the voting capital stock issued may call a meeting of the stockholders by giving written notice thereof signed by him and mailed to each stockholder of the corporation as his address appears on the books of the corporation at least seventy-two (72) hours prior to the time of said meeting, which notice shall state the time and place of meeting and the business to be transacted.

After the notice for any annual or special meeting has been given, only those persons shall be deemed stock-holders and entitled to vote at such meeting as were on the date of the giving of such notice registered as stock-holders upon the books of the corporation.

At any meeting, each stockholder shall be entitled

to one vote for each share of voting common stock owned by him.

Article 12.

Quorum.

At any meeting, a majority of the voting common stock issued and outstanding shall constitute a quorum.

Article 13.

Certificates of Stock.

Each stockholder shall be entitled to a certificate of stock which shall be under the seal of the corporation and signed by the President and Treasurer. In case of a lost certificate, a duplicate may be issued on such terms as the Board of Directors may prescribe. Each certificate of common stock shall have printed thereon the restrictions set forth in the organization meeting and any amendments thereto.

Article 14.

Amendments.

These by-laws may be amended, altered or repealed at any legal meeting of the stockholders provided notice of the proposed amendment is given in the call for such meeting.

VOTED - that the Board of Directors for the ensuing year consist of four (4) Directors.

VOTED - to proceed to the election of officers under the by-laws. A vote was thereupon taken and the following were unanimously elected and declared to be the officers as designated of the corporation.

President - Marie I. Burke

Vice President - Bernardine P. Donelson

Treasurer - Edward J. Burke

Assistant Treasurer - Thomas M. Burke

Clerk - Charles J. Dunn

Directors - Marie I. Burke

Bernardine P. Donelson

Edward J. Burke

Thomas M. Burke

VOTED - in the consideration of the transfer to the corporation on July 1, 1971 by Marie I. Burke, Bernardine P. Donelson, Edward J. Burke and Thomas M. Burke, of the inventory, equipment, accounts receivable and good will owned by them and doing business as Bunny's Superette, 77 Webster Street, Manchester, New Hampshire, as more particularly shown by a statement of condition of said Bunny's Superette to be filed in the office of the Clerk of the corporation to which reference may be made, that the corporation presently issue twenty-five (25) shares each to Marie I. Burke, Bernardine P. Donelson, Edward J. Burke and Thomas M. Burke, and to assume all liabilities of said Bunny's Superette as shown on said statement of condition.

VOTED - that the capital stock of this corporation as authorized at two hundred (200) shares of stock of equal but without par value shall be designated as common stock and shall be subject to the following restrictions on transfer, a copy of which shall be placed on the certificates of capital stock.

...

"In the event that any stockholder during his lifetime desires to sell any of his stock, he shall first offer it or such part of it as he wishes to sell, to the corporation at the 'agreed price' (as hereinafter established) and the corporation shall have sixty (60) days to accept or reject the offer. If the corporation rejects the offer, the offer shall be repeated to the other stockholders in proportion to their holders and the said stockholders shall have sixty (60) days to accept or reject the offer. the other stockholders reject the offer, then the holder shall be free to sell said stock to any other party, which party shall take subject to this restriction. 'agreed price' shall be established initially by the stockholders after the organization meeting, on a price per share basis. The 'agreed price' may be amended at the annual stockholders meeting and when so amended, shall become the new and effective 'agreed price'. Failing such amendment, however, the previous 'agreed price' shall remain in effect.

In the event of the decease of a stockholder, the corporation, through its Board of Directors, shall within six (6) months from such decease or within sixty (60) days after the appointment of an executor or administrator of said deceased estate, purchase the deceased stockholder's shares at the 'agreed price' last established by the stockholders to be paid in the event of the death of a stockholder.

All the conditions, covenants and options herein contained shall bind each of the parties hereto, their heirs, executors, administrators, successors and assigns. The provisions of this restriction may be waived in their entirety from time to time with respect to any single transfer of stock by an agreement in writing signed by all of the stockholders and the corporation. Each certificate evidencing the ownership of shares of stock of this corporation shall contain all of the provisions of this restriction."

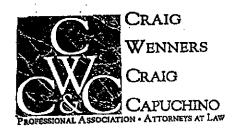
VOTED - that the Board of Directors is hereby authorized, empowered and directed to do all things necessary to provide for the issue of such stock as hereinbefore authorized.

Charles J. Dunn was sworn to the faithful performance of his duties as Clerk of the corporation before Antoinette V. Freeman, Notary Public.

VOTED - to adjourn.

A true record. Attest:

Temporary Clerk and Clerk



GENERAL PRACTICE TRIAL PRACTICE

ESTABLISHED 1929

(603) 669-3970 800-439-3970 (NH ONLY) FAX (603) 669-1310

84 BAY STREET MANCHESTER NEW HAMPSHIRE 03104 May 10, 2004

David Dunn, Esquire 14 Temple Court Manchester, NH 03104

Re: Bunny's Superette, Inc.

Dear Attorney Dunn:

I represent Mr. Edward J. Burke.

This is in response to Thomas M. Burke's undated letter to you and the enclosures therein.

Please provide me with a full accounting of all affairs of the corporation from 1994 to date including, but not limited to, all books and records, and all circumstances surrounding the alleged "gifts" made by Marie I. Burke and Bernadine Donelson by letters dated April 1, 2004.

Please do not call the Special Meeting requested until this request is satisfied. This request is based upon the agreement of the four shareholders, the agreement dated July 1, 1971, and the statutory and common law of the State of New Hampshire. To the extent necessary, you shall also consider this Edward J. Burke's Notice of Dissenter's Rights pursuant to RSA 293-A:13.20 and his demand for payment of fifty percent (50%) of the value of the stock, issued and unissued.

Very truly yours,

Vincent A. Wenners, Jr.

VAW:sik

cc: Mr. Edward J. Burke

cc: Steven Cohen, Esquire

LAW OFFICE OF

DAVID C. DUNN, P.A.

14 TEMPLE COURT MANCHESTER, NH 03104

EXHIBIT C

PHONE 603-626-9922

FAX 603-626-5252

davidcdunn@comcast.net

May 25, 2004

VIA FACSIMILE - 669-1310

Vincent A. Wenners Jr., Esq. 84 Bay Street Manchester, NH 03104

RE: Bunny's Superette, Inc.

Dear Mr. Wenners:

I write in response to your letter dated May 10, 2004.

In regards to your request for a full accounting of all affairs of the corporation from 1994 to date, I provided a copy of the corporate book to Ed Burke on May 6, 2004. If you require an additional copy of the same material, just let me know and I will have one delivered to you. In addition, I received a letter dated September 29, 2003 from Gail R. Gaugert, CPA, a copy of which is enclosed.

I received Thomas M. Burke's letter and enclosures on May 5, 2004 with a letter dated May 4, 2004 from Attorney Steve Cohen. Attorney Cohen had called me May 4, 2004 to inform me the letter was coming.

In regards to your request not to call the Special Meeting, I do not see anything in the Shareholder Agreement dated July 1, 1971, or the statutory and common Law of the State of New Hampshire which authorizes me not to call a Special Meeting of Shareholders once a Special Meeting has been requested by a shareholder. If there is such authority, please direct me to it. Otherwise, I suggest you take up the call of the Special Meeting with the attorney for the shareholder who requested the Special Meeting (Steve Cohen) or seek injunctive relief from the Court.

Please contact me with any questions.

Very truly yours,

David C. Dunn

DCD/lfk

Enclosures

cc: Steven Cohen, Esq. (via facsimile-669-8547)

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS NORTHERN DISTRICT

SUPERIOR COURT

Edward J. Burke

∜.

Bunny's Superette, Inc., Thomas M. Burke, Marie I. Burke and Bernardine P. Donelson

04-E-0251

PLAINTIFF'S PRELIMINARY PRETRIAL STATEMENT

NOW COMES the Plaintiff, Edward J. Burke, by and through his attorney, Vincent A. Wenners, Jr., and respectfully submits the following Preliminary Pretrial Statement pursuant to Superior Court Rule 62.

1. UNCONTESTED FACTS.

Corporate documents require that stock of the corporation be offered to the corporation prior to sale.

2. <u>CONTESTED ISSUES OF FACT</u>.

All other facts are likely to be contested.

PERTINENT APPLICABLE LAW.

Law applicable to this case is the common and statutory law of the State of New Hampshire.

4. <u>DISPUTED ISSUES OF LAW.</u>

The Plaintiff is not aware of any disputed issues of law, except those raised in prior Motions, but reserves the right to submit a Memorandum of Law upon any issues which may be raised.

5. SPECIFIC CLAIMS OF LIABILITY.

The parties agreed that the parties own the business and other

land and buildings equally and that the Plaintiff and his siblings would receive equal amounts of their parents' estate, including but not limited to, the business and the land and building in which it was situate at the death of the surviving parent. The Defendants have either breached or anticipatorily breached the agreement.

The Defendants, Marie I. Burke and Bernardine P. Donelson, purported to gift their stock ownership in the corporation which owned and operated the business contrary to the provisions of a Shareholders Agreement dated June 28, 1971.

The Plaintiff claims damages, in the alternative, by Quantum Meruit.

6. SPECIAL DAMAGES.

Not applicable.

7. SPECIFICATION OF INJURIES.

Not applicable.

8. DEMAND and OFFER.

Settlement discussions have been entertained, although no formal demand or offer has been made. Mediation was unsuccessful.

9. EXHIBITS.

The Plaintiff lists the following exhibits that may be offered into evidence. By reserving the right to introduce exhibits, the Plaintiff does not agree that the exhibits are, in fact, admissible, but is simply reserving the right to introduce them should the Defendant deem them appropriate and admissible.

Any and all exhibits listed by any other party to this action.

Any and all e-mail correspondence, hand-written notes or other

documents which relate to this claim; any and all e-mail correspondence, hand-written notes or other documents, including, but not limited to, accounting records, loan documents and tax returns which relate to Bunny's Superette, Inc. and this claim, and trust documents or wills executed by Marie Burke, tax returns and financial records of all Defendants; any and all correspondence exchanged by the parties; any and all pleadings, interrogatory answers, depositions, photographs or other documents in possession of any party to this case or referred to by any party to this case.

The Plaintiff reserves the right to update this list of exhibits up to and including the time of trial.

10. DEPOSITIONS.

Only the Plaintiff's deposition has been taken as of the date of the filing of this Pretrial Statement. Plaintiff reserves the right to use the deposition of any witness and to refer to or read any depositions which may be taken in this case into evidence according to the Rules of Evidence.

11. WAIVER OF CLAIMS OF DEFENSES.

The Plaintiff does not waive any defenses to which he may be entitled.

12. <u>WITNESSES</u>.

The Plaintiff may call the following witnesses:

- a. Edward J. Burke, 13 Meadowcrest Road, Hooksett, NH;
- Marie I. Burke, 121 Arah Street, Manchester, NH;
- c. Bernardine P. Donelson, 16 Fox Lane, Auburn, NH;

- d. Thomas M. Burke, 647 Walnut St. Extension, Manchester, NH;
- e. Roger Paradis, CPA;
- f. Maurice Raymond, CPA;
- g. Carl Noyes;
- h. Any and all witnesses listed by any of the Defendants;
- i. Any person with knowledge of admissible facts discovered by the Plaintiff prior to or during trial;
- j. Any person necessary to lay a proper foundation for admissible evidence.

The Plaintiff reserves the right to update his list of witnesses up to and including trial.

13. VIEW.

The Plaintiff reserves the right to request a view.

14. LENGTH OF TRIAL.

One (1) to two (2) days.

15. TRIAL ATTORNEYS.

For the Plaintiff: Vincent A. Wenners, Jr., Esquire

For the Defendant, Thomas M. Burke: Ovide M. Lamontagne, Esquire and Danielle L. Pacik, Esquire

For the Defendant, Bunny's Superette, Inc.: James A. Normand, Esquire

For the Defendants, Marie I. Burke and Bernardine P. Donelson: Ruth Tolf Ansell, Esquire.

16. TRIAL PREPARATION.

Case is ready for trial.

Respectfully submitted, Edward J. Burke By his Attorney

By:

Vincent A. Wenners, Jr., Esquire

84 Bay Street

Manchester, NH 03104

(603) 669-3970

Dated: May 19, 2005

CERTIFICATION

I hereby certify that a copy of the within Plaintiff's Pretrial Statement has this day been forwarded to James A. Normand, Esquire, Ovide M. Lamontagne, Esquire, Danielle L. Pacik, Esquire and Ruth Tolf Ansell, Esquire, opposing counsel.

Vincent A. Wenners, Jr., Esquire

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS NORTHERN DISTRICT

SUPERIOR COURT

Docket No. 04-E-0251

Edward J. Burke

٧.

Bunny's Superette, Inc. Thomas M. Burke Marle I. Burke Bernardine P. Donelson

EX PARTE MOTION TO QUASH SUPBPOENA SEEKING PRODUCTION OF ESTATE PLANNING DOCUMENTS

NOW COMES Respondent, Marie I. Burke, by and through her attorneys, Ansell, Barradale, Newkirk, Anderson and Dwyer, P.A., and respectfully moves to submit the following:

- 1. On May 23, 2005, the Petitioner served upon Respondent, Marie I. Burke, a subpoena duces tecum, attached as Exhibit A, seeking to compel the production of documents for a deposition to be held on May 26, 2005 at 1:00 p.m.
- 2. The matter before this Court Involves the application of a right of first refusal to lifetime gifts of stock in Bunny's Superette, Inc. from Marie I. Burke and Bernardine P. Donelson to Thomas M. Burke.
- 3. Marie I. Burke's Will and Trust, the documents requested in the subpoena, have no bearing upon the pending matter.
- 4. The Will and Trust of Marie I. Burke are both revocable by her during her lifetime and will not be relevant until she passes away.

5. If this Court orders that these documents be produced, Marie I. Burke requests that she be able to produce copies of the requested documents in lieu of the originals, for safekeeping.

WHEREFORE, Respondent Marie I. Burke respectfully request that this Court:

- A. Quash the subpoena; and
- B. Grant such other and further relief as the Court deems equitable, just, and proper.

Respectfully submitted,

MARIE I. BURKE

By and through their attorneys,

ANSELL, BARRADALE, NEWKIRK, ANDERSON & DWYER, P.A.

Date: May 24, 2005

Ruth Tolf Ansell, Esquire 40 South River Road, Unit #32 Bedford, NH 03110 (603) 644-8211

CERTIFICATION OF SERVICE

I certify that on this date I hand delivered copies of the foregoing to: Vincent A. Wenners, Jr., Esquire, 84 Bay Street, Manchester, NH 03104; and by consent of counsel for the respondents, copies were sent by fax to: James A. Normand, Esquire, 15 High Street., Manchester, NH 03104; Ovide M. Lamontagne, Esquire, 111 Amherst Street, Manchester, NH 03101; and Danielle Pacik, Esquire, 111 Amherst Street, Manchester, NH 03101.

Date: May 24, 2004

Ruth Tolf Ansell, Esquire



SUBPOENA DUCES TECUM

STATE OF NEW HAMPSHIRE HILLSBOROUGH, SS

TO: Ms. Marie Burke 121 Arah Street Mauchester, NH 03104

You are required to appear before VINCENT A. WENNERS, JR., ESQUIRE, Attorney for Plaintiff, Edward J. Burke, for a deposition to be held in this matter at the Law Offices of Devine, Millimet & Branch, 719 Amherst Street, Manchester, in the County of Hillsborough and State of New Hampshire on the 26th day of May, 2005, at 1:00 o'clock in the afternoon, to testify what you know relating to a matter to be heard and tried betwixt

Edward J. Burke v. Bunny's Superette, Inc., Thomas M. Burke, Marie I. Burke and Bernardine P. Donelson

and you are required to bring with you and produce at the time aforesaid deposition

Copies of all wills executed by you during your lifetime, the original of your current will, and the original of all trust documents executed by you during your lifetime.

HEREOF FAIL NOT, as you will answer your default under the penalties prescribed by law.

Dated at Manchester, N.H. May 23, 2005

justice of the Peace

RECEIVED MAY 25 20

The STATE OF NEW HAMPSHIKE Northern District of Hillsborough County

300 Chestnut Street Manchester, NH 03101 2490 603 669-7410

DANIELLE L PACIK ESQ DEVINE MILLIMET & BRANCH PO BOX 719 MANCHESTER NH 03105-0719

- 04-E-0251 Edward J. Burke, et al v. Bunny's Superette, Inc., et al

EX PARTE MOTION TO QUASH SUPBPOENA:

5/24/05 Motion denied. Documents to be produced. Copies may be used at the deposition once originals are produced and shown. So ordered. (Lewis, J.)

5/24/2005 Date /s/ John Safford Clerk of Court

cc: Vincent A Wenners, Jr., Esq.
James A Normand, Esq.
Ovide M Lamontagne, Esq.
Ruth Ansell, Esq.

AOC Form SUP150 (Rev. 05/09/2001)

STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS NORTHERN DISTRICT

SUPERIOR COURT 04-E-0251

Edward J. Burke

V.

Bunny's Superette, Inc., Thomas M. Burke, Marie I. Burke and Bernardine P. Donelson

PLAINTIFF'S EXHIBIT LIST

The plaintiff intends produce the following exhibits at the Trial in this matter which shall occur on Wednesday, June 15, 2005:

- 1. All exhibits listed by any other party to this action.
- 2. Any and all e-mail correspondence, hand-written notes or other documents which relate to this claim.
- 3. Any and all e-mail correspondence, hand-written notes or other documents including, but not limited to, accounting records, loan documents and tax returns which relate to Bunny's Superette, Inc. and this claim.
- 4. Any trust documents or wills executed by Marie I. Burke.
- 5. Any deeds to or from the parties.
- 6. Any tax returns and financial records of all defendants.
- 7. Any and all correspondence exchanged by the parties.
- 8. Any and all pleadings, interrogatory answers, depositions, photographs or other documents in the possession of any party to this case or referred to by any party in this case.

The plaintiff reserves the right to update this list of exhibits up to and including the time of trial.

Respectfully submitted, Edward J. Burke By his attorney,

Date: May 24, 2005

Vincent A. Wenners, Jr., Esquire

84 Bay Street

Manchester, NH 03104

(603) 669-3970

CERTIFICATION

I hereby certify that on 24th day of May, 2005, a copy of the within Plaintiff's Exhibit List was mailed to James A. Normand, Esquire, Ovide M. Lamontagne, Esquire, Danielle L. Pacik, Esquire and Ruth Tolf Ansell, Esquire, opposing counsel.

Vincent A. Wenners, Jr., Esquire